



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

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Testimony of the Honorable Elizabeth A. Bozzuto  
Judiciary Committee Public Hearing  
March 6, 2017

**H.B. 7196, An Act Concerning Nonadversarial Dissolution of Marriage and  
the Issuance of a Default Judgment in a Matter Involving Dissolution of  
Marriage, Dissolution of Civil Union or Legal Separation**

Good morning Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas and members of the Committee, I am Judge Elizabeth Bozzuto and I am the Chief Administrative Judge for Family Matters. I am pleased to appear before you today on behalf of the Judicial Branch, in support of one of the Judicial Branch's legislative proposals, *H.B. 7196, An Act Concerning Nonadversarial Dissolution of Marriage and the Issuance of a Default Judgment in a Matter Involving Dissolution of Marriage, Dissolution of Civil Union or Legal Separation.*

Two years ago, I came before this Committee and asked for your support of a similarly titled bill that established a simplified dissolution of marriage for parties who agreed to the dissolution and who met certain criteria, as well as allowed other parties with an agreement to obtain a divorce in nearly a quarter of the time that it would ordinarily require. Thanks to your leadership on the issue, the bill passed, and as a result, one in six of all dissolutions subsequently filed have taken advantage of this new law, resulting in thousands of litigants moving on with their lives more quickly, and without the time and expense of numerous court hearings.

Today, I am here to ask for your support for a similar bill which builds upon that framework. The bill before you expands upon the original criteria of our nonadversarial

dissolution so that more parties can take advantage of the simplified process, as well as makes additional changes to our dissolution framework. all with one central goal in mind: to allow parties to move expeditiously and efficiently through the dissolution process.

Section 1 of the bill amends the existing nonadversarial process, whereby parties obtain a divorce without appearing before a judge, if they meet specific criteria.

Specifically, the bill amends two of the current criteria, with the goal of permitting more couples to pursue this simplified divorce option. The two criteria that would change include: 1) instead of a couple having been married eight years or less to qualify, we propose increasing this to nine years or less, and 2) the asset ceiling would increase from \$35,000 to \$80,000. We believe these two changes would significantly expand the pool of divorcing couples who would qualify for this process.

Section 2 of the bill makes a technical change. Under current law, if a party to a nonadversarial dissolution chooses to revoke the petition, the matter is placed on the regular family docket without the revoking party needing to pay a new filing fee or serving the dissolution complaint on the other party. This section would simply clarify that if the court places the matter on the regular family docket, neither party shall pay a new filing fee or be responsible for serving one another.

Section 3 contains two changes. One change would require that all dissolution complaints contain a notice stating that if the defendant does not file an appearance within fourteen days of the return date, upon motion of the plaintiff, a default judgment may be granted. This change sets the stage for the more expeditious resolution of matters set forth in Section 4 of the bill. The second piece provides an opportunity for parties to execute a written waiver of service, thereby saving the plaintiff, as well as the State in cases that require a fee waiver, the cost of service of process, and allows the defendant to avoid the discomfort often associated with being served with papers by a state marshal.

Section 4 sets forth a new process that would allow a plaintiff to move forward with their divorce – in instances where the defendant does not file an appearance or respond in

any way to the complaint – in a more timely manner. Under current law, a plaintiff in this scenario must wait at least 90 days for the court to enter a default judgment and for the court to grant the divorce decree. This serves only to inconvenience the moving party, and prevents the individual from moving on with their life.

The new process envisioned by this bill would permit the plaintiff to file a motion fourteen days after the return date, asking that he or she be defaulted and that the divorce be granted. The plaintiff would also be required to file a financial affidavit, and provide the court with any proposed orders that he or she requests be incorporated into the divorce decree. The court would then set the matter down for a hearing, ensure that any proposed orders are fair and equitable, and if so, grant the motion for default and enter the divorce decree. We believe that this new process will shave off a significant amount of time that a plaintiff must currently wait for disposition.

The bill also envisions a more expedited process in instances where the parties have absolutely nothing in dispute – no children, no jointly held debt, and no jointly held property. In these instances, the court would be permitted, but not required, to grant the divorce without the need for the plaintiff to attend court. This is beneficial for the plaintiff – they will not have to take time off from work, or incur any additional expense – and beneficial for the court, as it frees up court resources for more difficult matters.

I also want to assure you that the bill contains a number of procedural safeguards. Most civil default processes allow for a default to commence a mere two days after the return date. By contrast, the process for default in this bill will not commence until two weeks after the return date. Further, in order to ensure that the defendant is given every opportunity to participate in this proceeding, we are also submitting a proposed amendment with my testimony that makes it clear that any hearing on the motion for default will not be scheduled any earlier than fourteen days after it is filed. In essence, then, the defendant will be given nearly one month to reply to the motion for default. We are sensitive to concerns that have been raised by some that the court ought to go the extra

mile before proceeding with a default in these matters, and we hope that this amendment addresses that concern.

Just as importantly, should the defendant file an appearance at any time prior to the court granting the divorce, the bill already provides that the expedited process will come to an end, and the matter will be placed on the regular docket. I believe that the language of the bill, coupled with the proposed amendment, fairly balances the plaintiff's right to have a timely resolution to his or her matter, with the defendant's right to be heard should he or she choose to participate.

The proposed amendment also takes one more step to protect the interests of the defendant by requiring the plaintiff to notify the non-appearing defendant when a decree of dissolution has been entered, and requires the plaintiff to attach to it any orders entered by the court. Should the plaintiff not take these steps, he or she risks the decree being vacated. We believe that providing this notice to the defendant is an essential protection because the bill already explicitly provides the defendant with an opportunity - at any time - to allege fraud or duress on the part of the plaintiff.

Finally, Section 5 of the bill would provide the court with flexibility to resolve matters - either as outlined in this bill, or in instances where the parties present an agreement on any temporary orders - without the parties appearing in court.

In summary, I believe that this bill further helps us to achieve our goal of moving people through our family courts with as little disruption and inconvenience as possible.

Thank you for allowing me to testify today. I would be pleased to answer any questions that you may have, or discuss the bill further with anyone with an interest in it.

**Proposed Amendment – H.B. 7196, An Act Concerning Nonadversarial Dissolution of Marriage and the Issuance of a Default Judgment in a Matter Involving Dissolution of Marriage, Dissolution of Civil Union or Legal Separation**

1. In line 133, after the first reference to “hearing”, insert “, no sooner than fourteen days after the filing of the motion requesting a default judgment”.
2. In lines 151-153, delete, “on the date of filing the motion for a default judgment, or not later than five days after date of filing such motion,”, and insert, “no sooner than fourteen days after the filing of the motion requesting a default judgment,”.
3. In line 161, insert, “(d) If the court enters a decree of dissolution of marriage, dissolution of civil union or legal separation pursuant to subsection (b) or (c), the plaintiff shall send a notice of the entry of the decree of dissolution of marriage, dissolution of civil union, or legal separation, as well as a copy of any orders entered by the court, if any, to the defendant by first class mail, and attest, in writing, that such notice has been provided. Such attestation shall be filed with the court no later than fourteen days after entry of the court’s decree. Failure to comply with the provisions of this subsection may result in the decree of dissolution of marriage, dissolution of civil union, or legal separation being vacated by the court.”
4. Re-letter successive subsections accordingly.